Our Reference: GP-303781-OST-ALS PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants:	Steven J. Ross et al.
Serial Number:	10/767,297
Filing Date:	January 28, 2004
Confirmation No.:	5003
Examiner/Group Art Unit:	Namrata Boveja/3622
Title:	SYSTEM AND METHOD FOR PERSONALIZED ACCESS TO VEHICLE DATA SERVICES THROUGH PORTALS

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
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Sir:

Please enter the following Appeal Brief in the appeal filed July 8, 2010.

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I. REAL PARTY IN INTEREST

The real parties in interest are Assignee General Motors LLC, by assignment from Motors Liquidation Company (formerly General Motors Corporation), and OnStar LLC, having common ownership with General Motors LLC. General Motors LLC is a corporation having an office and a place of business at 300 Renaissance Center, Detroit, Michigan, 48265-3000. The Appellants also note that security interests have been recorded.

II. RELATED APPEALS AND INTERFERENCES

Appellants and the undersigned attorneys are not aware of any appeals or any interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 5, 6, 8, 10-14, 16-18 and 20 are the claims on appeal. *See,* Appendix.

Claims 1, 5, 6, 8, 10-14, 16-18 and 20 are rejected.

Claims 2, 3, 7, 9, 15 and 19 are cancelled.

IV. STATUS OF AMENDMENTS

In response to the Final Office Action of April 8, 2010, no amendment pursuant to 37 C.F.R. § 1.116 was filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In this summary of claimed subject matter, all citations are to the specification of United States Patent Application Number 10/767,297. Further, all citations are illustrative, and support for the cited element may be found elsewhere in the specification.

Independent claim 1:

A method for managing subscriber vehicle data in a vehicle data management system (300, see Fig. 3) in a computer includes receiving the vehicle data into the vehicle data management system (300) in the computer and storing the vehicle data in the vehicle data management system in the computer (410 in Fig. 4, see also page 19, lines 1-15). The method further includes securing access to data in the vehicle data management system in the computer according to a status based hierarchy by associating specific vehicle data access privileges with individual client statuses (see page 12, lines 16-24). The individual client statuses are selected from the group consisting of subscription service customer, campaign manager, engineer, data analyst, call center advisor, portal administrator, and fleet manager (see page 12, line 25 through page 13, line 25 and original claim 7). The method also includes building, via the vehicle data management system (300) in the computer, a data format template for each client device class associated with the vehicle data management system (300) based on the status based hierarchy (see page 12, line 25 through page 13, line 6). The client device class is selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units (see page 14, lines 7-10). The method further includes receiving a client data request from a client via a requesting device (430 in Fig. 4, see also page 20, lines 8-18), and determining a client identity in the vehicle data management system (300) in the computer based on the client data request (440 in Fig. 4, see also page 20, lines 19-24). The client identity includes a position of the client in the status based hierarchy and a class of the requesting device of the client (see page 17, lines 20-23), wherein the requesting device class is selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units (see page 14, lines 7-10). Targeted vehicle data is retrieved from a data source in operative communication with the client data management system for responding to the client data request,

the retrieved targeted vehicle data being based on the client's individual client status in the status based hierarchy (see page 20, lines 27-31). The method continues with formatting, via the vehicle data management system in the computer, the retrieved targeted vehicle data according to the data format template that corresponds with the identified client's requesting device class and position in the status based hierarchy (see page 20, lines 25-27 and page 21, lines 13-20), and providing the formatted targeted vehicle data from the vehicle data management system in the computer to the client responsive to the data request (450 in Fig. 4, see also page 13, lines 7-10 and page 20, lines 25-31).

Independent claim 14:

A computer readable medium storing a computer program includes computer readable code (see page 3, lines 10-16) for securing access to data in a vehicle data management system (300, see Fig. 3) according to a status based hierarchy by associating specific vehicle data access privileges with individual client statuses (see page 12, lines 20-24 and page 13, lines 20-21). The individual client statuses are selected from the group consisting of subscription service customer, campaign manager, engineer, data analyst, call center advisor, portal administrator, and fleet manager (see page 12, line 25 through page 13, line 25 and original claim 7). Also included is computer readable code for building a data format template for each client device class associated with the vehicle data management system (300) based on the status based hierarchy (see page 12, line 25 through page 13, line 6), where the client device class is selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units (see page 14, lines 7-10). The computer readable medium storing a computer program also includes computer readable code for receiving a client data request from a client via a requesting device (430 in Fig. 4, see also page 20, lines 8-18), and computer readable code for determining a client identity in the vehicle data management system (300) based on the client data request (440 in Fig. 4, see also page 20, lines 19-24). The client identity includes a position of the client in the status based hierarchy and a class of the requesting device of the client (see page 17, lines 20-23), wherein the requesting device class is selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle

telematics units (see page 14, lines 7-10). The computer readable medium storing a computer program further includes computer readable code for retrieving targeted vehicle data from a data source in operative communication with the client data management system (300) for responding to the client data request. The retrieved targeted vehicle data is based on the client's individual client status in the status based hierarchy (see page 20, lines 27-31). Also included are computer readable code for formatting the retrieved targeted vehicle data according to the data format template that corresponds with the identified client's requesting device class and position in the status based hierarchy (see page 20, lines 25-27 and page 21, lines 13-20); and computer readable code for providing the formatted targeted vehicle data from the vehicle data management system to the client responsive to the data request (450 in Fig. 4, see also page 13, lines 7-10 and page 20, lines 25-31).

Independent claim 20:

A vehicle data management system (300 in Fig. 3) includes means for securing access to data in the vehicle data management system (300) according to a status based hierarchy based on associating specific vehicle data access privileges with individual client statuses (see page 12, lines 20-24 and page 13, lines 20-21). The individual client statuses are selected from the group consisting of subscription service customer, campaign manager, engineer, call center advisor, portal administrator, data analyst, and fleet manager (see page 12, line 25 through page 13, line 25 and original claim 7). The system also includes means for building a data format template for each client device class associated with the vehicle data management system based on the status based hierarchy (see page 12, line 25 through page 13, line 6), where the client device class is selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units (see page 14, lines 7-10). Also part of the system are means for receiving a client data request from a client via a requesting device (430 in Fig. 4, see also page 20, lines 8-18), and means for determining a client identity in the vehicle data management system based on the client data request (440 in Fig. 4, see also page 20, lines 19-24), the client identity including a position of the client in the status based hierarchy and a class of the requesting device of the client (see page 17, lines 20-23). The requesting device class is selected

from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units (see page 14, lines 7-10). The system includes means for retrieving targeted vehicle data from a data source in operative communication with the client data management system (300) for responding to the client data request, where the retrieved targeted vehicle data is based on the client's position in the status based hierarchy (see page 20, lines 27-31). The system further includes means for formatting the retrieved targeted vehicle data according to the data format template that corresponds with the identified client's requesting device class and position in the status based hierarchy (see page 20, lines 25-27 and page 21, lines 13-20), and means for providing the formatted targeted vehicle data from the vehicle data management system to the client responsive to the data request (450 in Fig. 4, see also page 13, lines 7-10 and page 20, lines 25-31).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants request review of the following grounds of rejection on appeal:

1) Whether claims 1, 5, 6, 8, 10-14, 16-18 and 20 are unpatentable under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 6,526,335 to Treyz, et al. (referred to hereinafter as "Treyz") in view of U.S. Patent No. 7,093,194 to Nelson (referred to hereinafter as "Nelson") and further in view of U.S. Patent No. 5,911,776 to Guck (referred to hereinafter as "Guck").

VII. ARGUMENTS

A. Whether claims 1, 5, 6, 8, 10-14, 16-18 and 20 are unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of Nelson and further in view of Guck.

a. *Claims 1, 5, 6, 8, 10-14, 16-18 and 20*

In the Final Office Action of April 8, 2010, the Office asserts that Treyz teaches all of the elements of the independent claims, except for building a data format template for each client device based upon the status based hierarchy, retrieving targeted vehicle data based upon the client's status in the hierarchy, formatting the data according to the data format template that correspond with the identified client's device class and position in the hierarchy, and providing the formatted data to the client. The Office relies upon both Nelson and Guck to supply the deficiencies of Treyz.

At the outset, the Appellants disagree that Treyz, either alone or in combination with Nelson and Guck, teaches a status based hierarchy, varying information access levels based on the hierarchy (i.e., associating specific vehicle access privileges with individual client statuses), or retrieving information based upon a client's status in the hierarchy.

Treyz discloses an automobile personal computer system. The user of the system, while he/she is driving in the car, is able to wirelessly obtain information from and interact with merchants, communications facilities, information providers, computers at home or at the office, and other entities. The Office states that Treyz also discloses i) that the users may be subscription service customers and fleet managers, ii) that the fleet managers may utilize the system to monitor its drivers, and iii) that users of the system may set up passwords to protect their privacy (see Col. 35, lines 9-60, Col. 37, lines 34-54, and Fig. 33). The Office concludes that these teachings of Treyz teach the Appellants' status based hierarchy, and the varying information access levels based on the hierarchy.

The Appellants respectfully disagree. At the outset, it is submitted that Treyz's discussion about fleet managers and subscribers accessing the monitoring system does not support the conclusion that a back-end system is in place which secures access to data based upon a status based hierarchy, and then in response to a user request, retrieves data from a data

source based upon the identified position of the user in a status based hierarchy. Rather, Treyz states that, "the user *and other parties* may be provided with an opportunity to access the images and other vehicle information" (emphasis added, see Col. 37, lines 42-44), and that, "the user *and other parties* may be provided with access to the vehicle performance information and the maintenance information using a web page format or other suitable format" (emphasis added, see Col. 38, lines 19-22). Appellants note that there is no mention of associating the user and other parties with specific access privileges based upon their position in a hierarchy. In fact, in one specific example, Treyz teaches, "[i]f desired, monitoring approaches such as these may be used with drivers on probation due to previous driving infractions. Truck drivers may benefit by using automobile personal computer 14 to automatically assess driver fatigue. Fleet managers may use the information to evaluate the performance of fleet drivers." (See Col. 37, lines 49-54). In this example, many different users (which arguably are of a different class in a status based hierarchy) all have access to the information gathered via monitoring. Treyz never suggests that one entity in this example might be entitled to more information based upon his/her status in a hierarchy, rather, all of the entities discussed in this example have access to the information. In fact, the Appellants fail to see where the reference teaches or even suggests a status based hierarchy where information access privileges are based upon this hierarchy and wherein information retrieved depends upon the client's position in the hierarchy. As opposed to finding these teachings in Treyz itself, it is respectfully submitted that the Office is incorporating the teachings from the Appellants' disclosure into Treyz.

In the Office Action of September 21, 2009, the Office stated that "clearly one driver is not going to be allowed to view the data of another driver." Assuming *arguendo* that this is true, this still does not render obvious that a hierarchy system is in place in Treyz to determine which *data is retrieved*, but rather simply means that one person may not be able to log into another person's account or view information of another user. The password protection taught in Treyz merely allows users to keep others from accessing his/her account.

Neither Nelson nor Guck supply these deficiencies of Treyz, and thus the combination fails to teach or even suggest a status based hierarchy, varying information access levels based

on the hierarchy (i.e., associating specific vehicle access privileges with individual client statuses), or retrieving information based upon the client's position in the status based hierarchy.

The Office also states that Nelson teaches, in part, building a data format template based upon a status based hierarchy.

Appellants again respectfully disagree. Nelson teaches that different users can access, analyze, and *create personal view of information* (emphasis added, see Col. 3, lines 29-31). Nelson provides various examples of the types of reports that a particular user may create (see Col., 3, lines 31-38). Nelson does not state that the information available to the user in creating the report is limited by his/her status in a hierarchy, but rather teaches that the user can define web-access rights for others who are viewing or manipulating their reports (see Col. 7, lines 17-23 and Col. 13, line 64 through Col. 14, line 3). Any "template" created by the user in Nelson is not based upon an in-place status based hierarchy, but rather is based upon the individual user's determination regarding the report he/she is generating.

For these additional reasons, it is submitted that the combination of the references also fails to teach or even suggest building a data format template based upon a status based hierarchy.

For all the reasons stated above, it is submitted that Appellants' invention as defined in independent claims 1, 14 and 20, as well as in those claims depending therefrom, is not anticipated, taught or rendered obvious, and patentably defines over the art of record.

VIII. CONCLUSION

The Appellants respectfully submits that claims 1-20 as currently pending fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. Accordingly, Appellants respectfully request that the Board of Patent Appeals and Interferences find for the Appellants and reverse the rejection of each of Appellants' claims 1, 5, 6, 8, 10-14, 16-18 and 20 under 35 U.S.C. § 103(a) as being unpatentable by Treyz in view of Nelson and further in view of Guck. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested.

Respectfully submitted,

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IX. CLAIMS APPENDIX

1. (Previously presented) A method for managing subscriber vehicle data in a vehicle data management system in a computer, comprising:

receiving the vehicle data into the vehicle data management system in the computer;

storing the vehicle data in the vehicle data management system in the computer;

securing access to data in the vehicle data management system in the computer according to a status based hierarchy by associating specific vehicle data access privileges with individual client statuses, the individual client statuses being selected from the group consisting of subscription service customer, campaign manager, engineer, data analyst, call center advisor, portal administrator, and fleet manager;

building, via the vehicle data management system in the computer, a data format template for each client device class associated with the vehicle data management system based on the status based hierarchy, the client device class selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units;

receiving a client data request from a client via a requesting device;

determining a client identity in the vehicle data management system in the computer based on the client data request, the client identity including a position of the client in the status based hierarchy and a class of the requesting device of the client, wherein the requesting device class is selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units;

retrieving targeted vehicle data from a data source in operative communication with the client data management system for responding to the client data request, the retrieved targeted vehicle data being based on the client's individual client status in the status based hierarchy;

formatting, via the vehicle data management system in the computer, the retrieved targeted vehicle data according to the data format template that corresponds with the identified client's requesting device class and position in the status based hierarchy; and

providing the formatted targeted vehicle data from the vehicle data management system in the computer to the client responsive to the data request.

2 - 3. (Cancelled)

4. (Previously presented) The method of claim 1 wherein the formatted targeted vehicle data is configured to be retrievable through a web hosting portal.

5. (Previously presented) The method of claim 4 wherein the formatted targeted vehicle data is configured to be retrievable through a voice-enabled web hosting portal.

6. (Previously presented) The method of claim 1 wherein determining the client identity comprises:

parsing the client data request for client identity data.

7. (Cancelled)

8. (Previously presented) The method of claim 1 wherein providing the formatted targeted vehicle data comprises:

instantiating a communication portlet that is associated with the determined requesting device class, client identity and client status; and

populating the communication portlet with the formatted vehicle data.

9. (Cancelled)

10. (Previously presented) The method of claim 1 wherein the formatted targeted vehicle data includes advertisements that are selected based on the requesting device class, status and identity of the client.

11. (Previously presented) The method of claim 1 wherein the formatted targeted vehicle data includes analytical data that are selected based on the client request.

12. (Previously presented) The method of claim 1 wherein retrieving targeted vehicle data is accomplished by requesting the vehicle data from a vehicle communications unit of a vehicle that is identified by the client data request.

13. (Previously presented) The method of claim 1 wherein the targeted vehicle data is selected from the group consisting of subscription service data, vehicle operating data, vehicle maintenance data, and vehicle lease data.

14. (Previously presented) A computer readable medium storing a computer program, comprising:

computer readable code for securing access to data in a vehicle data management system according to a status based hierarchy by associating specific vehicle data access privileges with individual client statuses, the individual client statuses being selected from the group consisting of subscription service customer, campaign manager, engineer, data analyst, call center advisor, portal administrator, and fleet manager;

computer readable code for building a data format template for each client device class associated with the vehicle data management system based on the status based hierarchy, the client device class selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units;

computer readable code for receiving a client data request from a client via a requesting device;

computer readable code for determining a client identity in the vehicle data management system based on the client data request, the client identity including a position of the client in the status based hierarchy and a class of the requesting device of the client, wherein the requesting device class is selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units;

computer readable code for retrieving targeted vehicle data from a data source in operative communication with the client data management system for responding to the client data request, the retrieved targeted vehicle data being based on the client's individual client status in the status based hierarchy;

computer readable code for formatting the retrieved targeted vehicle data according to the data format template that corresponds with the identified client's requesting device class and position in the status based hierarchy; and

computer readable code for providing the formatted targeted vehicle data from the vehicle data management system to the client responsive to the data request.

15. (Cancelled)

16. (Previously presented) The computer readable medium of claim 14 wherein computer readable code for determining the client identity comprises:

computer readable code for parsing the client data request for client identity data.

17. (Previously presented) The computer readable code of claim 14 wherein computer readable code for providing the formatted targeted vehicle data comprises:

computer readable code for instantiating a communication portlet that is associated with the determined client requesting device class, client identity and client status; and

computer readable code for populating the communication portlet with the formatted vehicle data.

18. (Previously presented) The computer readable medium of claim 17 wherein the computer readable code for retrieving targeted vehicle data includes computer readable code for retrieving targeted vehicle data from a VCU of a vehicle that is identified by the client data request.

19. (Cancelled)

20. (Previously presented) A vehicle data management system, comprising:

means for securing access to data in the vehicle data management system according to a status based hierarchy based on associating specific vehicle data access privileges with individual client statuses, the individual client statuses being selected from the group consisting of subscription service customer, campaign manager, engineer, call center advisor, portal administrator, data analyst, and fleet manager;

means for building a data format template for each client device class associated with the vehicle data management system based on the status based hierarchy, the client device class selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units;

means for receiving a client data request from a client via a requesting device;

means for determining a client identity in the vehicle data management system based on the client data request, the client identity including a position of the client in the status based hierarchy and a class of the requesting device of the client, wherein the requesting device class is

selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units;

means for retrieving targeted vehicle data from a data source in operative communication with the client data management system for responding to the client data request, the retrieved targeted vehicle data being based on the client's position in the status based hierarchy;

means for formatting the retrieved targeted vehicle data according to the data format template that corresponds with the identified client's requesting device class and position in the status based hierarchy; and

means for providing the formatted targeted vehicle data from the vehicle data management system to the client responsive to the data request.

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.